

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2384

Introduced by Assembly Member Bradford

February 21, 2014

An act to amend Sections 32281, 52852, and 64001 of, and to add Chapter 11.5 (commencing with Section 52780) to Part 28 of Division 4 of Title 2 of, the Education Code, relating to schoolsite councils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2384, as amended, Bradford. Schoolsite councils.

Existing law, the School-Based Program Coordination Act, which is applicable only to school districts and schools that participate in school-based coordinated categorical programs, is established to provide flexibility to coordinate categorical funds. The act requires a school that participates in school-based program coordination to establish a schoolsite council, composed of the school principal, teachers, and other prescribed members, and requires the schoolsite council to establish a school plan that includes, among other things, the proposed expenditure of funds received through various categorical programs.

Existing law, enacted in 2013, revised provisions of the public school financing system, requires state funding for schools to be calculated pursuant to a local control funding formula, and authorizes local educational agencies to expend for any local educational purpose funds

previously required to be spent for various categorical education programs. Existing law requires the governing board of each school district to adopt a local control and accountability plan that includes, among other things, a description of the annual goals to be achieved for each of the state priorities identified pursuant to specified provisions.

This bill would add provisions separate from the School-Based Program Coordination Act that would authorize ~~the establishment of schoolsite councils by a school district to establish a schoolsite council~~ at any school, composed as specified, and subject to prescribed conditions and requirements, *with responsibility for developing and annually reviewing a specified school plan*. The bill would specify that if any provision of the School-Based Program Coordination Act conflicts ~~with the provisions that would be added by the bill~~, *bill conflicts with the provisions of the School-Based Program Coordination Act*, the provisions ~~being added by the bill of the School-Based Program Coordination Act~~ shall prevail. The bill would make conforming changes by updating cross-references and making various nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 32281 of the Education Code is amended
- 2 to read:
- 3 32281. (a) Each school district and county office of education
- 4 is responsible for the overall development of all comprehensive
- 5 school safety plans for its schools operating kindergarten or any
- 6 of grades 1 to 12, inclusive.
- 7 (b) (1) Except as provided in subdivision (d) with regard to a
- 8 small school district, the schoolsite council established pursuant
- 9 to former Section 52012, as it existed before July 1, 2005, or
- 10 Section 52781 or 52852 shall write and develop a comprehensive
- 11 school safety plan relevant to the needs and resources of that
- 12 particular school.
- 13 (2) The schoolsite council may delegate this responsibility to a
- 14 school safety planning committee made up of the following
- 15 members:
- 16 (A) The principal or the principal's designee.

1 (B) One teacher who is a representative of the recognized
2 certificated employee organization.

3 (C) One parent whose child attends the school.

4 (D) One classified employee who is a representative of the
5 recognized classified employee organization.

6 (E) Other members, if desired.

7 (3) The schoolsite council shall consult with a representative
8 from a law enforcement agency in the writing and development
9 of the comprehensive school safety plan.

10 (4) In the absence of a schoolsite council, the members specified
11 in paragraph (2) shall serve as the school safety planning
12 committee.

13 (c) Nothing in this article shall limit or take away the authority
14 of school boards as guaranteed under this code.

15 (d) (1) Subdivision (b) shall not apply to a small school district,
16 as defined in paragraph (2), if the small school district develops a
17 districtwide comprehensive school safety plan that is applicable
18 to each schoolsite.

19 (2) As used in this article, “small school district” means a school
20 district that has fewer than 2,501 units of average daily attendance
21 at the beginning of each fiscal year.

22 (e) (1) When a principal or his or her designee verifies through
23 local law enforcement officials that a report has been filed of the
24 occurrence of a violent crime on the schoolsite of an elementary
25 or secondary school at which he or she is the principal, the principal
26 or the principal’s designee may send to each pupil’s parent or legal
27 guardian and each school employee a written notice of the
28 occurrence and general nature of the crime. If the principal or his
29 or her designee chooses to send the written notice, the Legislature
30 encourages the notice be sent no later than the end of business on
31 the second regular workday after the verification. If, at the time
32 of verification, local law enforcement officials determine that
33 notification of the violent crime would hinder an ongoing
34 investigation, the notification authorized by this subdivision shall
35 be made within a reasonable period of time, to be determined by
36 the local law enforcement agency and the school district. For
37 purposes of this section, an act that is considered a “violent crime”
38 shall meet the definition of Section 67381 and be an act for which
39 a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, “tactical responses to criminal incidents” means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) Nothing in this subdivision precludes the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) Nothing in this subdivision shall be construed to reduce or eliminate the requirements of Section 32282.

SEC. 2. Chapter 11.5 (commencing with Section 52780) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 11.5. SCHOOLSITE COUNCILS

52780. If any provision in ~~Chapter 12 (commencing with Section 52800)~~ *this chapter* conflicts with the provisions of ~~this chapter~~, *Chapter 12 (commencing with Section 52800)*, the

1 provisions of ~~this chapter~~ Chapter 12 (commencing with Section
2 52800) shall prevail.

3 52781. (a) ~~A~~Pursuant to authorization by the governing board
4 of a school district, a schoolsite council may be established at any
5 school in accordance with this chapter. A schoolsite council shall
6 include, but is not limited to, representatives from the following
7 groups:

8 (1) ~~Teachers,~~Classroom teachers, to be selected by teachers at
9 the school.

10 (2) School employees other than *classroom* teachers, to be
11 selected by nonteaching school employees at the school.

12 (3) Parents of pupils attending the school, to be selected by
13 parents of pupils attending the school.

14 (4) In secondary schools, pupils, to be selected by pupils
15 attending the school.

16 (b) The schoolsite council or the governing board of the school
17 district may expand the composition of a schoolsite council based
18 on the operational structure of the school, in accordance with the
19 following:

20 (1) For an elementary school, the schoolsite council shall be
21 composed to ensure parity between the following two groups:

22 (A) The principal, classroom teachers, and other school
23 employees. Classroom teachers shall comprise the majority of
24 persons from this group. To the extent possible, the school shall
25 ensure that at least one classified employee is part of this group.

26 (B) Parents.

27 (2) For a secondary school, the schoolsite council shall be
28 composed to ensure parity between the following two groups:

29 (A) The principal, classroom teachers, and other school
30 employees. Classroom teachers shall comprise the majority of
31 persons from this group. To the extent possible, the school shall
32 ensure that at least one classified employee is part of this group.

33 (B) An equal number of parents and pupils. To the extent
34 possible, the school shall ensure that socioeconomically
35 disadvantaged pupils, foster youth, and English learners are
36 represented on the schoolsite council.

37 (c) A schoolsite council is encouraged to include participation
38 from community organizations that participate at the schoolsite
39 and that are focused on the educational outcomes of the school.

40 ~~Members of this group shall not be included for purposes of~~

1 ~~ensuring parity pursuant to subdivision (b).~~ A schoolsite council
2 that elects to include participation from community organizations
3 is not required to have the community organization members be
4 official voting members of the council.

5 52782. A schoolwide advisory group or a school support group
6 may also be used as a schoolsite council, in accordance with the
7 provisions of this chapter.

8 52783. The Superintendent shall provide several examples of
9 selection and replacement procedures that may be considered by
10 schoolsite councils.

11 52784. The governing board of a school district shall ~~set term~~
12 ~~limits for schoolsite council members other than the principal.~~
13 *require a schoolsite council to establish bylaws.*

14 52785. A schoolsite council shall maximize public input and
15 other means of advancing a democratic process.

16 ~~52786. A school employee who is also a parent or guardian~~
17 ~~of a pupil who attends another school in the school district may~~
18 ~~serve on the schoolsite council of the school of his or her~~
19 ~~employment as a teacher or other school employee representative.~~
20 ~~The school employee may also serve on the schoolsite council of~~
21 ~~the school that his or her child or ward attends as a parent~~
22 ~~representative.~~

23 *52786. An employee of a school who is also a parent or*
24 *guardian of a pupil who attends a school other than the school of*
25 *the parent's or guardian's employment is not disqualified by virtue*
26 *of this employment from serving as a parent representative on the*
27 *schoolsite council established at the school that his or her child*
28 *or ward attends.*

29 52787. ~~(a)~~ A school district operating a schoolsite council
30 shall provide training to members of the schoolsite council on the
31 purpose and role of the schoolsite council.

32 52788. (a) A schoolsite council shall develop a school plan
33 that includes, but is not limited to, all of the following:

34 (1) Curricula, instructional strategies, and materials that address
35 the individual needs and learning styles of each pupil.

36 (2) Instructional and auxiliary services to meet the special needs
37 of the following pupils:

38 (A) Pupils of limited English proficiency, including instruction
39 in a language these pupils understand.

40 (B) Educationally disadvantaged pupils.

1 (C) Pupils eligible for free or reduced-price meals.

2 (D) Foster youth.

3 (E) Gifted and talented pupils.

4 (F) Pupils with exceptional needs.

5 (3) Ongoing evaluation of the educational program of the school.

6 (4) Other activities and objectives, as established by the
7 schoolsite council.

8 (5) The proposed expenditure of funds available to the school,
9 including funds available to the school through federal programs.

10 (6) Mechanisms to ensure that the objectives in the school
11 district's local control and accountability plan are being met, with
12 specific focus on the local control and accountability plan goals
13 around school climate, parent engagement, and pupil engagement.

14 (b) A schoolsite council is encouraged to support professional
15 development programs for teachers, other school employees, and
16 volunteers.

17 (c) The schoolsite council shall annually review the school plan,
18 establish a new budget, and, if necessary, make other modifications
19 in the school plan to reflect changing needs and priorities.

20 52789. The governing board of the school district shall review
21 and approve or disapprove school plans. A school plan shall not
22 be approved unless it was developed and recommended by the
23 schoolsite council. If a plan is not approved by the governing board
24 of the school district, specific reasons for that action shall be
25 communicated to the schoolsite council. Modifications to any
26 school plan shall be developed, recommended, and approved or
27 disapproved in the same manner.

28 SEC. 3. Section 52852 of the Education Code is amended to
29 read:

30 52852. (a) Notwithstanding any other law, a schoolsite council
31 shall be established at each school that participates in school-based
32 program coordination. The schoolsite council shall be composed
33 of the principal and representatives of: teachers selected by teachers
34 at the school; other school personnel selected by other school
35 personnel at the school; parents of pupils attending the school
36 selected by such parents; and, in secondary schools, pupils selected
37 by pupils attending the school.

38 (b) (1) At the elementary level the schoolsite council shall be
39 constituted to ensure parity between (A) the principal, classroom

1 teachers, and other school personnel; and (B) parents or other
2 community members selected by parents.

3 (2) At the secondary level the schoolsite council shall be
4 constituted to ensure parity between (A) the principal, classroom
5 teachers, and other school personnel; and (B) equal numbers of
6 parents, or other community members selected by parents, and
7 pupils.

8 (3) At both the elementary and secondary levels, classroom
9 teachers shall comprise the majority of persons represented under
10 subparagraph (A) of paragraphs (1) and (2).

11 (c) Existing schoolwide advisory groups or school support
12 groups may be utilized as the schoolsite council if those groups
13 conform to this section.

14 (d) The Superintendent shall provide several examples of
15 selection and replacement procedures that may be considered by
16 schoolsite councils.

17 (e) An employee of a school who is also a parent or guardian
18 of a pupil who attends a school other than the school of the parent's
19 or guardian's employment, is not disqualified by virtue of this
20 employment from serving as a parent representative on the
21 schoolsite council established for the school that his or her child
22 or ward attends.

23 SEC. 4. Section 64001 of the Education Code is amended to
24 read:

25 64001. (a) (1) Notwithstanding any other law, school districts
26 shall not be required to submit to the department, as part of the
27 consolidated application, school plans for categorical programs
28 subject to this part. School districts shall ~~assure~~, *ensure* in the
29 consolidated application, that the Single Plan for Pupil
30 Achievement established pursuant to subdivision (d) has been
31 prepared in accordance with law, that schoolsite councils have
32 developed and approved a plan, to be known as the Single Plan
33 for Pupil Achievement for schools participating in programs funded
34 through the consolidated application process, and any other school
35 program they choose to include, and that school plans were
36 developed with the review, certification, and advice of any
37 applicable school advisory committees. The Single Plan for Pupil
38 Achievement may also be referred to as the Single Plan for Student
39 Achievement. The consolidated application shall also include
40 certifications by appropriate district advisory committees that the

1 application was developed with review and advice of those
2 committees.

3 (2) For any consolidated application that does not include the
4 necessary certifications or assurances, the department shall initiate
5 an investigation to determine whether the consolidated application
6 and Single Plan for Pupil Achievement were developed in
7 accordance with law and with the involvement of applicable
8 advisory committees and schoolsite councils.

9 (b) Onsite school and district compliance reviews of categorical
10 programs shall continue, and school plans shall be required and
11 reviewed as part of these onsite visits and compliance reviews.
12 The Superintendent shall establish the process and frequency for
13 conducting reviews of district achievement and compliance with
14 state and federal categorical program requirements. In addition,
15 the Superintendent shall establish the content of these instruments,
16 including any criteria for differentiating these reviews based on
17 the achievement of pupils, as demonstrated by the Academic
18 Performance Index developed pursuant to Section 52052, and
19 evidence of district compliance with state and federal law. The
20 state board shall review the content of these instruments for
21 consistency with state board policy.

22 (c) (1) A school district shall submit school plans whenever
23 the department requires the plans in order to effectively administer
24 any categorical program subject to this part. The department may
25 require submission of the school plan for any school that is the
26 specific subject of a complaint involving any categorical program
27 or service subject to this part.

28 (2) The department may require a school district to submit other
29 data or information as may be necessary for the department to
30 effectively administer any categorical program subject to this part.

31 (d) Notwithstanding any other law, as a condition of receiving
32 state funding for a categorical program pursuant to Section 64000,
33 and in lieu of the information submission requirements that were
34 previously required by this section prior to the amendments that
35 added this subdivision and subdivisions (e) to (i), inclusive, school
36 districts shall ensure that each school in a district that operates any
37 categorical programs subject to this part consolidates any plans
38 that are required by those programs into a single plan. Schools
39 may consolidate any plans that are required by federal programs
40 subject to this part into this plan, unless otherwise prohibited by

1 federal law. That plan shall be known as the Single Plan for Pupil
2 Achievement or may be referred to as the Single Plan for Student
3 Achievement.

4 (e) Plans developed pursuant to subdivision (d) of former
5 Section 52054, as it existed before July 1, 2013, and Section 6314
6 and following of Title 20 of the United States Code, shall satisfy
7 this requirement.

8 (f) Notwithstanding any other law, the content of a Single Plan
9 for Pupil Achievement shall be aligned with school goals for
10 improving pupil achievement. School goals shall be based upon
11 an analysis of verifiable state data, including the Academic
12 Performance Index developed pursuant to Section 52052 and the
13 English Language Development test developed pursuant to Section
14 60810, and may include any data voluntarily developed by school
15 districts to measure pupil achievement. The Single Plan for Pupil
16 Achievement shall, at a minimum, address how funds provided to
17 the school through any of the sources identified in Section 64000
18 will be used to improve the academic performance of all pupils to
19 the level of the performance goals, as established by the Academic
20 Performance Index developed pursuant to Section 52052. The plan
21 shall also identify the schools' means of evaluating progress toward
22 accomplishing those goals and how state and federal law governing
23 these programs will be implemented.

24 (g) The plan required by this section shall be reviewed annually
25 and updated, including proposed expenditure of funds allocated
26 to the school through the consolidated application, by the schoolsite
27 council, or, if the school does not have a schoolsite council, by
28 schoolwide advisory groups or school support groups that conform
29 to the requirements of Section 52781 or 52852. The plans shall be
30 reviewed and approved by the governing board of the local
31 education agency at a regularly scheduled meeting whenever there
32 are material changes that affect the academic programs for pupils
33 covered by programs identified in Section 64000.

34 (h) The school plan and subsequent revisions shall be reviewed
35 and approved by the governing board of the school district. School
36 district governing boards shall certify that, to the extent allowable
37 under federal law, plans developed for purposes of this section are
38 consistent with district local improvement plans that are required
39 as a condition of receiving federal funding.

1 (i) Nothing in this part may be construed to prevent a school
2 district, at its discretion, from conducting an independent review
3 pursuant to subdivision (c) of Section 64001 as that section read
4 on January 1, 2001.

O